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ABSTRACT

This monograph was written to provide community college trustees in Florida with a broad perspective on personnel issues by addressing national and state personnel issues that trustees encounter in higher education. Following a historical overview of governance in higher education, the monograph identifies and addresses eight issues separately: (1) academic freedom, including guidelines and a discussion of the legal ramifications of the freedom of faculty to pursue work in their field independently; (2) affirmative action, covering promotion policies, affirmative action program guidelines, state equity requirements, and historical legislation relating to minority opportunity in higher education; (3) the Florida Community College System's tenure system and general features of tenure systems, including due process, staffing patterns, and salary schedules; (4) evaluation including faculty evaluation, other personnel evaluation, procedures, annual reviews, and implementation strategies; (5) professional development covering reasons for conducting inservice training, characteristics of effective inservice education programs, and recommendations for implementing staff development; (6) personnel relations, collective bargaining, and grievance procedures; (7) administrative procedures, stipulated for community colleges in Florida under the Administrative Procedures Act; and (8) awards and recognition, offering ways in which colleges can recognize excellence in faculty and staff. References as well as a list of trustee responsibilities and duties pertaining to personnel are appended. (WJT)

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TRUSTEE MONOGRAPH SERIES

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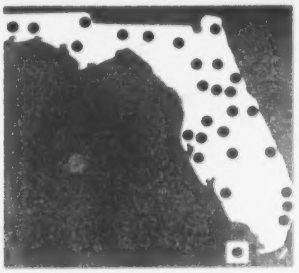

TRUSTEE MONOGRAPH SERIES

PERSONNEL RESPONSIBILITIES:
ISSUES AND PERSPECTIVES

PURPOSE

This monograph is designed to provide college trustees with a broad and national perspective on critical personnel issues in higher education. Trustees, State Board members, and legislators must continually make policy decisions on personnel matters. The context in which these decisions are made is a matter of history from which future policy modifications spring.

The writers of this monograph have attempted to be objective by adhering to common terms, major policy, and cases of record and by avoiding prescriptive language. Specific Florida law and policy may continue to change under your influence. Trustee duties and responsibilities pertaining to personnel as specified in the Florida Statutes and rules are included for reference in the appendices.

INTRODUCTION

The importance of higher education in American life has increased over the centuries. With its rapid expansion in the twentieth century, important national, state, social, political, and economic issues have come to the forefront. Some of these issues, especially those pertaining to trustee and personnel matters, will be explored further in this monograph.

Dr. John W. Nason (1982) provides an excellent historical overview of the evolution of governance in higher education in the United States. By understanding the social, political, and economic context, trustees can gain an appreciation for their roles and responsibilities in handling governance issues, especially those pertaining to personnel matters.

Governance of higher education in the United States has been shared among trustees and administrators. In some universities the faculty and, in recent years, even the students have begun playing a role in governance. Each of the groups, with the exception of students, have tended to dominate the governance role at different periods.

HISTORICAL OVERVIEW

In the eighteenth and nineteenth centuries trustees played the dominant role in governance. Growth in higher education was very slow until the Civil War. At this time, a large number of colleges and universities were denominational, and the founders were interested in protecting and supporting the religious nature of the institution. Trustees governing these private institutions, and even those at the state institutions where religious belief was not a factor, maintained significant control over policies, personnel, and practices.

With the Morrill Act of 1862 establishing the land-grant college system and with the economic expansion following the Civil War, higher education experienced a rapid growth in both institutions and enrollment. This rapid growth in size, in the range of instruction, and in the problems of management led to an era of strong, powerful, yet great university presidents. The busy trustees, not having enough time to handle all of the administrative issues, were content to delegate much of the responsibility to these presidents.

At the same time responsibility for internal management was becoming more decentralized. As divisions and departments increased in size and number, presidents could not maintain supervision over all aspects of university life. Just as the trustees had delegated authority to the presidents, they, in turn, were content to delegate to the faculty authority over curriculum, course content, academic requirements and standards, and even the selection of new colleagues.

The extent of faculty control over academic decisions has evolved slowly and unevenly. The founding of the American Association of University Professors in 1915 brought into the open faculty concern for partnership in governance.

MODELS OF GOVERNANCE

In the nineteenth and early twentieth centuries the classic, or managerial, model of governance predominated. This model featured the president at the apex of the pyramid structure, other administrative officers and the faculty at mid level, and students at the bottom. Over and above the pyramid were the board of trustees with complete legal authority, but with decreasing actual control. The president shaped the thinking of the board and wielded "power ranging from autocratic czarism to benign paternalism" (Morris, 1982, p.35). Subsequently, these hierarchical lines of authority were gradually being obliterated, in fact if not in theory, by the multiplication of departments and schools, by the diffusion of decision making, and by steady faculty pressure for a more central role in governance.

Thus, the path was opened for a more collegial model of governance. The participation of faculty, along with administration and governing boards, was recognized as legitimate and constructive. This model requires that "significant authority be ceded to the faculty, and implies a sympathetic, intelligent administration and an eager, able student body" (Morris, 1982, p. 35). In this model trustees play a leading role. They choose and support a president who believes in the academic community, defends academic freedom, and seeks to close the gap between faculty and administrators. The public interest drives the decision-making process.

FORCES SHAPING HIGHER EDUCATION

Many forces have been at work altering the governance pattern in higher education since World War II. With the G.I. Bill and subsequent student aid legislation, enrollment in higher education has skyrocketed. The new students, representing all socioeconomic backgrounds, are presenting higher education with a diversity of expectations and needs to be met. A shift in the nation's mood has created a demand for equal treatment for everyone, open admissions, and courses and standards to meet every need.

Other forces have been shaping higher education in the latter part of the twentieth century. In the past fifty years, two-year community colleges have nearly tripled in number, with public community colleges accounting for most of this increase. In the last twenty years, most states have created some type of coordinating commission to review and plan for the needs of postsecondary

education within the state and one or more statewide governing boards to exercise control over several campuses. These boards serve to safeguard accountability and prevent too much competition and duplication of programs offered. In Florida the State Board of Community Colleges (SBCC) provides the major coordinating functions. The Postsecondary Planning Commission (PEPC) has an advisory role on all matters relating to postsecondary education. Its reports and recommendations are provided to appropriate government officials and to the State Board of Education (SBE), which in addition to the Legislature, have the ultimate authority for decision making.

The importance of federal aid and the impact of its cutback is unmitigated. The late seventies and eighties have seen a period of retrenchment. During such periods of retrenchment, governance is even more difficult.

It is an era of social, economic, and political change.

> *"In the face of multiple and sometimes conflicting purposes, of divided faculty loyalties, of competing student expectations, there is no other group than the trustees, both deeply concerned and yet above the fray, to insist on the clarification of mission, to monitor institutional progress, to protect the independence and integrity of the institution" (Nason, 1982, p. 13).*

Only strong boards can command public respect and champion institutional autonomy. Their precise role will vary from institution to institution, but governing boards must play a major role in shaping the destiny of higher education. If boards of trustees can respond to current opportunities, the importance of their role in the years ahead may surpass what it has been to date.

The following sections identify some of the national and state personnel issues that trustees encounter in higher education. Eight issues to be addressed include academic freedom, affirmative action, tenure, evaluation, professional development, personnel relations, administrative procedures, and awards and recognition.

ACADEMIC FREEDOM

The concept of academic freedom may be defined as "the freedom of the teacher within his or her field of

study. It is a safeguard that allows researchers and teachers in institutions of higher learning to pursue their work without the inhibition, prohibition, or direction of political, ecclesiastical, or other administrative authorities, regardless of their personal philosophies, behavior, or life-style" (Knowles, 1977, v. 1, p. 24). Thus, the principle of academic freedom is to guarantee freedom of inquiry and to introduce new ideas and knowledge. It is generally provided to all faculty, regardless of tenure status.

For the individual faculty member it entails the freedom to investigate and discuss the problems of his/her science or field of study and to express a conclusion, either through publication or student instruction, without interference. From the legal point of view, there is no definition of academic freedom, but it is recognized in order to enable faculty members and students to carry on their roles.

AAUP GUIDELINES

It is difficult to describe the boundaries of academic freedom. This concern has been carefully examined by the American Association of University Professors (AAUP), an active organization advocating and protecting principles of academic freedom. The real question is how to distinguish between the teacher as a teacher and as a citizen. The AAUP has formulated a statement to serve as a guideline. Educators should remember that the public judges the teaching profession and institutions by what individual educators state. With this in mind, the AAUP proposes that teachers should at all times be accurate, distinguish between fact and theory, show respect for the opinion of others, and make every effort to indicate that they are not an institutional spokesperson.

The AAUP Statement provides for a college to declare certain policies as institutional policies that must be adhered to, with no recourse to "academic freedom." The faculty member must be so informed before accepting appointment.

While academic freedom has a long intellectual history, dating back to the thirteenth century in Western Europe, the emergence of academic freedom as a formal doctrine did not occur until the nineteenth century under German influence. In the United States the concept was broadened. Not only did it apply to life within the

academic wall but was extended to the privileges of the professor beyond the university.

LEGAL RAMIFICATIONS

This broader definition has led to infringements. The threats against academic freedom have largely been political, whether national or local. Attempts at restricting academic freedom in the United States have resulted in recourse to the courts. In 1957 the United States Supreme Court extended academic freedom to students:

> *The essentiality of freedom in the community of American universities is almost self-evident... Teachers and students must always remain free to inquire, to study and evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die (354 U.S. 234, 250 [1957]).*

Thus, the tendency of the courts has been to broaden further the definition of academic freedom. The allegations of violation of academic freedom are not now frequent, but they can become very disruptive and divisive issues for a college.

AFFIRMATIVE ACTION

The concept of equality and the desire for equitable distribution of opportunities and rewards are at the foundation of the Declaration of Independence and the Constitution of the United States. Corrective measures to eliminate the glaring exclusion of minority groups from this umbrella of protection were not legally sanctioned until the Emancipation Proclamation in 1863, the Thirteenth Amendment (1865), and then the Civil Rights Act of 1875. The Fourteenth Amendment (1868) conferred citizenship on all people born or naturalized in the United States, and the Fifteenth Amendment (1870) guaranteed the right to vote. Even with these protective measures, Congress provided further protection by enacting Civil Rights Acts in 1866, 1870, 1871, and 1875. The Supreme Court with the Slaughter-House Cases of 1873 and the Civil Rights Cases of 1883 virtually stripped these acts though of any meaning. Not until 1940, however, did the United States government enact legislation pertaining to racial discrimination in

federal employment. It was further stated that religious discrimination was forbidden. President Roosevelt's Executive Order 8802 (1941) launched for the first time a Fair Employment Practices Committee, but it too lacked enforcement powers.

APPLICABILITY TO HIGHER EDUCATION

The Kennedy Administration was the first to set forth sanctions and penalties that could be imposed against contractors failing to adhere to equality provisions. Following the assassination of President Kennedy, Congress enacted the Civil Rights Act of 1964 (42 U.S.C. 55 2000 et seq. [1964]), Title VII, which established the Equal Employment Opportunity Commission that had as its sole mission the responsibilities to investigate and prosecute, if necessary, discriminatory practices. Congress also passed the Equal Pay Act of 1963 which prohibits an employer from discriminating between employees on the basis of sex.

Institutions of higher education, as employers, were left to do as they pleased until the mid 1960s. Minority students began demanding a higher number of minority admissions, the hiring of minority faculty members; curricular changes to include courses and materials reflective of our multipluralistic culture; and the appointment of minorities to administrative and staff positions. After the assassination of civil rights leader Martin Luther King, Jr., in 1968, public opinion and minority faculty and student pressure caused educational institutions to begin reexamination of their employment policies and practices.

Still equal employment, and certainly affirmative action, were not taken seriously until the Women's Equity Action League (WEAL) filed an historic industry-wide complaint against educational institutions in January 1970. This complaint called upon the Secretary of Labor to review, for compliance performance, the personnel policies of all educational institutions holding federal contracts. WEAL's action initiated a national campaign to eliminate sex-based discrimination in higher education in areas of admission, financial aid, scholarship and fellowship assistance, appointment and employment practices, working conditions, classifications and promotion, and differential pay scales.

Faced with opposition from both sides, the Department of Health, Education, and Welfare issued Higher Education Guidelines: Executive Order 11246 in October 1972. The

"Legal Provision" prohibited employment discrimination on the basis of race, color, religion, sex, or national origin to anyone signing a government contract in excess of $10,000. In addition to nondiscrimination, affirmative action required the employer to institute a program to overcome existing discriminatory practices by making additional efforts to recruit, employ, and promote qualified members of groups formerly excluded, principally women and members of minority groups. To ensure implementation, employers were required to set goals and a timetable of achievement for these goals. The interests of the employer were protected by stating that no existing performance standard should be lowered merely to ensure compliance.

The "Personnel Policies and Practices" provision described the procedures employers must follow for compliance. Recruitment policies must be active in recruiting women and minorities by including employee referral and location facilities commonly used by these groups as well as advertising as an "equal opportunity employer" and considering all positions as available to all qualified applicants.

Hiring practices must be designed to prevent discriminatory procedures. Assignment of titles and academic appointments must be based on criteria applicable to all personnel. Compliance does not mean displacing or dismissing currently employed personnel but rather using these practices in filling vacancies created by normal growth and attrition. Placement, job classification, and assignment procedures must be reviewed to be equally applicable to all personnel.

Training programs to provide necessary remedial training opportunities to previously disadvantaged personnel must be instituted to ensure eligibility of these people for appropriate job classifications. Job training programs should be available to all qualified personnel on an equal basis.

GUIDELINES FOR IMPLEMENTATION

Promotion policies must include remedial procedures and validation for all criteria for promotion according to the guidelines provided by the Department of Labor regulation (41 CFR 60-2.24). Among the other policies addressed in the Guidelines are:

- Termination policies must affect all employees equally and ensure fair treatment.

- Rights, salary, and benefits must adhere to the concept of equal pay for equal work.

- Paid and unpaid leaves of absence must be available to all qualified personnel.

- Leaves of absence pertaining to pregnancy, childbirth, and child care must be granted on a basis equal to that for leaves of absence for other personal reasons.

- Reinstatement following leaves of absence to the employee's original position, or that of like status and pay, is without loss of seniority or accrued benefits.

- All fringe benefits - including medical, hospital, accident, life insurance, and retirement benefits; profit-sharing and bonus plans; and leaves of absence - must be equally available and applicable to all personnel in each job classification.

- Sound standards of due process for the hearing of employee grievances are encouraged. These grievance procedures should be in writing and available to all present and prospective employees.

The third part of the Guidelines, "Development of Affirmative Action Programs," discusses what employers must do to implement affirmative action programs.

- Each employer should have a written policy statement setting forth the legal obligation and policy guidance of all subsidiary personnel, employees, and the community affected by the employers.

- All supervisory personnel must know what the law requires, what the employer's policy is, and how to interpret and implement this policy within the area of their responsibility.

- A director of equal employment opportunity programs should be appointed and the formation of an advisory council of representatives of women and minority groups is encouraged.

- A system of auditing and reporting the implementation of the equal employment opportunity program must be developed to ensure compliance with federal law.

- Contractors must make public their affirmative action programs in accordance with 41 CFR 60-2.21.

- To develop and implement a plan, employers are urged to involve personnel at all levels, academic and nonacademic, to ensure its acceptability and practicality.

The issue of affirmative action was raised to the level of the Supreme Court in 1972 in the case of **deFunis v. Odegaard and the University of Washington** (416 U.S. 312 [1974]). The central question was whether race could or should be considered as a factor when selecting from among a qualified group of persons for admission to a professional school and more particularly when such an action is taken to mitigate underrepresentation of specific minorities. The U. S. Supreme Court held the matter moot, but the debates continued. The Carnegie Council on Policy Studies in Higher Education (1975) observed that affirmative action was one of the most important issues facing higher education. Progress in affirmative action was temporarily slowed due to reduced rates of enrollment in the 1970's and 1980's. During periods of growth, institutions should be aware of opportunities for equalization not available in periods of declining growth.

STATE EQUITY REQUIREMENTS

Since 1978 there has been a commitment in the state of Florida to support equal access/equal opportunity (EA/EO) program recruitment and retention as specified under Florida's Equal Opportunity Plan for Postsecondary Education as provided for in Rule 6A-14.29(1), FAC. Florida law has no standardization requirements for the process with the exception that equity requirements are:

- legal

- defensible

- effective

- efficient

It is important, however, that procedures, guidelines, policies, criteria, and deadlines for applicants be established in writing in advance of any recruitment action. Voluntary affirmative action plans are permissible in Florida. These plans entail a self study analysis of employment trends to determine underrepre-

sentation of certain groups and to provide reasonable strategies for correcting any imbalance that may occur. A state level EEO Advisory Committee exists to assist in the development of equity guidelines, policies, and procedures.

CONTINUING CONTRACT

The Florida Community College System uses the term "continuing contract" rather than tenure. The continuing contract system is a tenure system in concept and practice. After serving a probationary period and undergoing an extensive evaluation, faculty are awarded continuing contract. This guarantees them the expectation of continuing employment. Such employment may be terminated only when due process is followed in the termination procedures. Nothing in the rationale or rules of continuing contract, however, legally shields any faculty member from accountability for performance as a teacher, scholar, or professional.

The two traditional rationales for a continuing contract system have been (1) protection of freedom of expression, and (2) job security. A faculty member's expression of ideas is fully protected under the Constitution and numerous court cases have reinforced that protection. While continuing contract offers job security, the security is not unconditional. The courts have consistently ruled that a tenured faculty member may be dismissed for such causes as incompetence, termination of a program, or financial exigency. The difference between the termination of a tenured and nontenured faculty member is that in the case of the tenured employee the expectation of continued employment exists, and thus the institution bears the burden of proof that the dismissal is based upon legitimate grounds and that the individual has been granted due process in the dismissal process.

In Florida's Community College System, the local board may dismiss an employee on a continuing contract or return an employee to an annual contract giving good and sufficient reasons, including but not limited to:

- misconduct in office
- immorality
- incompetency

- willful neglect of duty
- immorality
- conviction of any crime involving moral turpitude
- gross insubordination
- drunkenness

FACULTY PERSONNEL SYSTEMS

Most faculty personnel systems are designed to employ two large classes of persons: career faculty and temporary or part-time employees. Tenure provisions apply to the first group. Qualifications for initial appointment ordinarily include, as a minimum, an academic or professional degree. The initial appointment is for a fixed term. Following this fixed-term appointment, the candidate is either eligible for reappointment on another fixed-term contract, appointment on a continuing, permanent contract, or for termination. The probationary period for fixed-term appointments may range from one to seven years in the United States. It is important that each faculty appointee be notified of the specific terms and conditions of appointment.

To gain tenured status often requires a favorable recommendation of a professional group ("peer review") based on the candidate's performance in teaching, research, and other duties and on an estimate of future potential for professional growth. The initial award of tenure does not necessarily carry a promotion in rank, and later advancement is not ensured. More often promotions are the result of a peer review on performance in teaching, research, and other duties, or a move by a faculty member to a vacancy at higher rank in another institution. Despite job security, there are limitations on salary, if the candidate does not receive promotions.

The most common postive and negative arguments on tenure are:

Postive:
Tenure frees faculty members from worry over their positions and allows individuals to concentrate on scholarly accomplishments.

Negative:
Tenure encourages scholarly laziness and obstruction of the progress of junior faculty.

Although the award of tenure allows job security, tenured faculty can be terminated. Often, termination of the employment of tenured faculty before retirement occurs as the result of resignation, death, or incapacitating illness. Termination, however, may be brought about by action of the institution under one of two conditions: dismissal for cause or because of a change in the program of the institution. Procedures for termination vary among institutions, but actions of the courts have guaranteed individuals "due process" in matters of promotion, retention, and dismissal of personnel.

Due process requires that:

- Adequate cause is defined.
- The institution has written charges and bears the burden of proving them.
- An impartial hearing is held with all parties having the right to summon and cross-examine witnesses.
- The right of appeal is granted from an adverse decision.

Today the emphasis is on due process and involvement of faculty in review of all matters involving academic freedom and tenure. Allegations of discrimination outnumber those of violation of academic freedom.

It is customary for departmental faculty to advise the department chair, and higher authority, on the retention, promotion, dismissal, and tenure status of faculty in that department. Usually, only faculty of higher rank and tenured status serve on such advisory committees, and their recommendations are not binding.

When a faculty member alleges violation of academic freedom, or other discrimination, it is common practice for an advisory committee of faculty peers to hear the allegations and send recommendations to the appropriate authorities. The case of dismissal of a tenured faculty member for cause is very serious and may take on the form of a court of law. Tenured, peer faculty are usually included on a hearing panel to protect the institution from prejudiced legal action.

Trustees should carefully explore procedures and policies in this area. Institutions which have not established rules to govern hearings should proceed deliberately to make policy rules. Otherwise, rules adopted after a court case will be vulnerable to charges of prejudice.

The practice of tenure, due to termination for cause, creates great caution in the tenure granting process. In practice, few proceedings are brought to remove a person for cause. In recent years concern has arisen about what procedures will be used to decrease both tenured and un-tenured faculty positions because of budget cuts. A greater concern is that stable or decreasing enrollments will cause an aging of faculty. With less and less new blood being hired, the academic programs may become static.

Staffing Patterns

Patterns of staffing at institutions of higher education are quite diverse. There is no established formula for staff size and types of positions. Staffing patterns are dependent on the size and the needs of the institution. Questions to consider that may impact staffing patterns include:

- Is the institution a multicampus or a single campus?
- How comprehensive is the program of the institution? Does it have a standard liberal arts program leading to an associate in arts (AA) degree or does it also offer vocational education and other supplemental job-related instruction?
- What type of special programs and services, if any, does the institution offer, e.g., outreach, child care centers, and grants funding?
- What is the program mix? Do accreditation standards set a specific student/faculty ratio for certain programs?
- What is the philosophy of the institution? Are support staff required for laboratories or audio-visual departments?
- What is the size of the institution? Are faculty positions required for smaller campuses although

the number of students taking the courses offered are few and will skew the student/faculty ratio?

Salary Schedules

The variance among faculty salaries at different institutions is considerable. The safe rule of thumb is that approximately 80 percent of the budget is reserved for salary expenditures. Trustees must be cognizant of the importance of salary schedules in personnel matters and of the key impact factors competing with salary raises for attention. The award of raises is a competitive situation. Community college staff compare their percentage raise with that awarded to local school teachers K-12 and to faculty at any nearby university or college. Trustees should consider the following variables when developing salary schedules at their institution:

- percentages of full-time versus part-time staff
- the hiring patterns over the past three years
- the increasing costs of fringe benefit packages over and above salaries
- any student enrollment shifts or decline
- the philosophy of the institution on support staff

EVALUATION

What is the definition of **evaluation**? "Evaluation is the process of determining the value of performance" (Hasting, 1979, p. 15). An evaluation can take many forms:

- evaluation of human characteristics
- measurement against institutional objectives
- measurement against standards
- comparison to other community colleges
- trend analysis, annual budgets, enrollment patterns
- historical records

Evaluation gives direction to the college and meaning to the mission statements. As Priest (1967, p. 287) points out, "Evaluation is an inherent element of any organized effort to achieve a goal." Without planning and evaluation, the future of the community college will be determined by the effect of each previous year's activities and errors.

Evaluation is often seen as a threatening procedure, but it can be instrumental in improving performance. The question is whether the procedures used and the individuals using them constitute an optimal process. The basic guideline should be quality - what happens to the student in the classroom. The basic purpose of evaluation is to develop a competent, sensitive, effective, humane person and teacher. According to the Harvard School of Business, fourteen characteristics identify a successful person. They are:

- job knowledge
- organizing ability
- dependability
- creativity
- communication
- personal efficiency
- relations with the community
- judgment
- attitude
- leadership
- delegation
- human relations
- professional roles
- ability to work with others

FACULTY EVALUATION

Over twenty-five years ago, Logan Wilson, former president of the University of Texas, wrote in The Academic Man that "the most critical problem confronted in the social organization of any university is the proper evaluation of faculty services, and giving due recognition through the impartial assignment of status" (1942, p. 112). Even today, faculty evaluation remains one of the most complex tasks of the academic world. Fiscal pressures are forcing public and private colleges to find ways of determining effectiveness and efficiency through evaluation.

What should faculty appraisal accomplish? According to Gage (1959), three reasons exist for teacher evaluation:

- the traditional need for providing a broad base for administrative decisions on tenure, promotion, and salary issues

- the new concern for evaluation as a basis for professional improvement and development
- the need for data for further research on teaching and learning

Evaluation should provide positive feedback and guidance as well as judgment. The overall purpose of faculty/staff appraisal should be to improve professional performance. This goal should be paramount in the minds of administrators, faculty, and other decision makers.

Often faculty are evaluated on recognition in their field of study, research, and community service as well as teaching abilities. Little "hard" research exists on the relationship between teaching, research (either applied or theoretical) and other academic contributions to society. From what is available, this generalization is feasible: faculty who are recognized in their field and involved in research and community service are good teachers. Teachers cannot remain stimulating without continuing to learn. Learning involves research, although learning may not focus on small manageable research problems. When teachers stop learning, they begin to repeat themselves and eventually lose touch with their students and their environment. The benefits of literature review, interpretation of research and new theories, and continued updating of information and teaching skills are of value to faculty to assist them with curriculum development and their other duties as a faculty member contributing both to the institution and to the community. Thus, it is important for institutions to have special summer faculty development programs and other opportunities to keep abreast.

EVALUATION OF OTHER PERSONNEL

Evaluation should apply as well to all other levels of academe:

- presidents
- vice-presidents
- deans
- department chairpersons
- staff

Presidential evaluation is the primary responsibility of the board of trustees. The procedures for the various levels will need to be adapted to the style and nature of each institution, but the principle of evaluation should be followed consistently, from the top to the bottom. In all cases, evaluation should be viewed, and used, primarily as a means of performance improvement. For more information on issues involved in presidential evaluation, see the **Trustee Monograph Series: Presidential Evaluation.**

EVALUATION PROCEDURES

The total array of professional activities is too diverse and complex to be fairly evaluated by one single input. One systematic, reliable procedure is better than any number of casual, highly subjective ones. Frequently, procedures for evaluation consider only the development of evaluative criteria. Although important, effective and sensitive procedures for evaluation must consider two other processes: procedures for evaluation and their application, and the final weighting.

ANNUAL REVIEW DESIRABLE

Some institutions require yearly professional review conferences for all faculty and staff, but most do not. For faculty and staff offered annual contracts, annual evaluation is essential. Some systematic review procedure for senior faculty - perhaps every other year - is also highly desirable. Administrator conferences with senior faculty can be quite constructive and beneficial, if the conferences are flexible in format, frank, provide honest feedback about professional performance, are both specific and general in nature, and positive. Anticipated outcomes should include a better understanding on behalf of the evaluator and the person evaluated of performance expectations and the individual's strengths as well as areas for possible improvement in performance.

VOLUNTARY VERSUS REQUIRED EVALUATION

Whether or not to require personnel evaluation is a sensitive issue at most college campuses. There are advantages and disadvantages of requiring academic personnel evaluation which must be considered before making this decision. Some of the advantages resulting from requiring evaluation are:

- Cross-comparison of departments is possible.
- Development of evaluative procedures for measuring the accountability between resources allocated and results achieved is enhanced.
- The overall academic quality of the institution can be greatly improved.
- Fairer overall decision making about academic personnel and a fairer basis of overall professional performance are possible.

Some disadvantages, however, also may come to the fore:

- It is impossible to measure the differences among the various subject areas with the use of the same student appraisal form for all academic areas.
- Evaluation requires a large commitment in terms of money and time.
- Faculty morale can suffer.

Before deciding upon a system of evaluation, several conditions must be met:

- The administration and a significant portion of the faculty must be in favor of the system.
- Adequate resources, both human and material, must be allocated to the project.
- Much forethought and planning is necessary with regards to procedures to be followed, standardization of procedures to achieve comparability, interpretation of the results, and utilization of the results.

STRATEGIES FOR IMPLEMENTATION

Of course, no one strategy for implementation of an evaluation system works in all instances, but the following guidelines (Miller, 1972, p. 17-19) are useful:

- Both the president and the chief academic officer of the college must support and be knowledgeable about the plan.

- Nothing replaces the hard work necessary to develop an evaluation program, and this work may include special studies - statistical and computer analyses and anecdotal reports.

- Trial runs improve the instrument as well as reduce anxiety level. Positive reaction of senior professors toward the system increases its chances of success.

- Faculty resistance points should be anticipated and handled in a positive manner.

- Faculty forums or open hearings are desirable and should be offered at a point when the document is still open to modification.

- Ample time should be provided for the overall process of implementation.

Misuse of results is a common concern among faculty and staff. It is a serious mistake to use evaluation evidence only for making administrative decisions on promotion, tenure, and salary raises. The primary focus of evaluation should be positive - to improve the teaching and learning process. In essence, strategies for implementation require time, planning, openness, and administrative support.

PROFESSIONAL DEVELOPMENT

"In-service education of faculty (or staff development, continuing education, professional development) is defined as any professional development activity that a teacher undertakes singly or with other teachers after receiving his or her initial teaching certificate and after beginning professional practice" (Edelfelt & Johnson, 1975, p. 5).

There are several purposes of inservice education; each of which requires a different process of training. If the purpose is for school improvement, often workshops or seminars are conducted. For acquiring a degree, credential, or licensure or for professional advancement or promotion, the process of training may be formal or advanced study. For the purpose of retraining faculty, courses, workshops, institutes, and special training may be conducted. If the goal is personal professional development, any of the above processes are possible.

The staff is vital to a healthy organization. Ongoing programs are necessary for the maintenance of the staff. Three basic reasons for conducting inservice training for community colleges are:

- student populations change with respect to age, interests, abilities, and ethnicity
- the subject matter itself changes
- the job market changes

Inservice education has been somewhat prescriptive in its development and has usually been required of faculty. Often the administration has prescribed both content and approach. Although intentions have been good, inservice programs are frequently quite piecemeal. Often the focus of inservice education is on introducing new curriculums, new fads, or trends or on beefing up existing programs, typically at the administrator's discretion. Inservice education takes place on the faculty member's own time and frequently at personal expense. It has been criticized as seldom being based upon faculty need and often being conducted in a manner that negates the principles of good teaching and learning.

Much research has been conducted on inservice education, and a comprehensive review of this research has revealed a number of clear patterns of effectiveness. An effective inservice education program exhibits some of these patterns (Edelfelt & Johnson, 1975, pp. 18-19):

- Programs in which faculty participate as helpers to each other and planners of inservice activities tend to have greater success in accomplishing their programs than do programs that are conducted by outside personnel.

  Inservice education programs that place the faculty in an active role (constructing and generating materials, ideas, and behavior) are more likely to accomplish their objectives than are programs that place the faculty in a receptive role.

- Inservice programs that emphasize demonstrations, supervised trials and feedback are more likely to be effective than those in which the training is more prescriptive.

- Inservice programs in which faculty share and provide mutual assistance to each other are more

likely to accomplish their goals than those in which the faculty do separate work.

- Faculty are likely to benefit more from activities that are part of a general staff development program rather than a "single-shot" program.

- Faculty are more likely to benefit from inservice programs in which they can choose their goals and activities for themselves, as contrasted with programs in which goals and activities are pre-planned.

Professional development or self-renewal should be available to every faculty and staff member and to the administration in some form. This may include sabbatical and research leaves, summer grants, workshops, scholarships, formal classes, and informal classes. Often those faculty participating in staff development activities are the dynamic, exemplary members. Professional development should be encouraged for instructors and staff members not demonstrating success in those areas that are their primary responsibility. This practice emphasizes the positive dimension of evaluation - the effort to remedy weaknesses uncovered through evaluative procedures. Every effort should be made to energize and renew the individual.

IMPLEMENTING STAFF DEVELOPMENT

In Florida funding for staff and program development is firmly established by rule 6A-14.029, FAC.

> *Each community college shall allocate from its resources available for current operations during the fiscal year, an amount not less than two percent (2%) of the previous year's allocation from the state community college program fund to fund staff and program development activities. Should the current allocation from the state community college program fund be less than the allocation for the previous year, and should the board of trustees request, the State Board of Community Colleges may authorize a decrease in the allocation to support staff and program development activities to an amount not less that two percent (2%) of the current year program fund allocations.*

Each community college must develop a plan for staff and program development and update it annually. Staff development includes supporting activities which update

and upgrade competence specified for present or planned positions. Program development may occur in any of these areas:

- instruction and academic support
- organized research
- public service
- student financial assistance and support
- institutional support
- physical plant operations and maintenance

The board of trustees can encourage professional growth and increased competency of the staff through:

- allowing travel and attendance to conferences, workshops, and educational meetings
- providing training on the job via in-house workshops and seminars
- recognizing, with salary increments, approved inservice training programs and experience beyond minimum qualifications for a given position
- providing internship programs
- providing tuition reimbursements
- allowing study and professional development leaves for advance training in fields

PERSONNEL RELATIONS

The legislature in Florida adopted the Public Employee Relations Act in 1974 to guarantee the right of public employees, including community college employees, to form or join labor organizations and to bargain collectively with public employers. This law, Chapter 447, Florida Statutes, permits employees to hold elections to determine whether a labor organization is desired to represent employees in their relations with the community college boards of trustees and administrators. Some college faculty members or supporting services personnel have opted to adopt this method of relationship while others have chosen not to organize.

COLLECTIVE BARGAINING PROCEDURES

Under the Public Employee Relations Act, which is supervised by the Public Employees Relations Commission (PERC), employers are required to bargain collectively with the college's chief executive officer or his representative. Grievance procedures are required if Chapter 447 is utilized. The subjects for collective bargaining are "wages, hours, and terms and conditions of employment of the public employees within the bargaining unit." After negotiations have been completed and signed, the agreement is sent to the labor organization and to the board of trustees for ratification. If the agreement is not ratified it must be returned for further negotiation. Chapter 447, Florida Statutes, provides for a resolution of impasses which may occur from time to time through the use of mediators or special masters. It is the duty of the Public Employee Relations Commission to enforce the provisions of the Public Employee Relations Act and this Commission may issue orders for compliance to either or both parties should an "unfair labor practice" be detected.

The Board of Trustee's role in personnel relations, either informal or formal is, once again, directive. The board should be consulted with respect to decisions made during the bargaining process. In order to preserve the integrity of the bargaining process, the legislature has provided that meetings between the Board and its negotiators may be exempt from the State "Government in the Sunshine Law." Finally, the field of modern personnel relations has become highly technical, and a board of trustees would do well to recognize the need to involve persons well versed in this area for proper advice and counsel.

GRIEVANCE PROCEDURES

In developing positive personnel relations with the college staff a major consideration is the grievance procedure or, as is called by some, "due process." All Florida community colleges are required to adopt a grievance procedure for use in questions involving equal access/equal opportunity (EA/EO). Several of the colleges expanded the EA/EO grievance procedures for use with personnel action, while other colleges have established a separate procedure for use in personnel matters.

What is a typical personnel grievance procedure? A grievance is defined as a real or perceived violation of

the employment rights of an individual employee. In any relationship between employers and employees some conflict is inevitable. A grievance procedure is designed to resolve these conflicts in a manner that is fair and equitable to both parties. The grievance procedure begins with an informal attempt to resolve the situation through a conversation held between the "aggrieved employee" and the employee's supervisor. Most grievances are able to be resolved at this level.

If the informal level is unsuccessful, the next level becomes formal. That means several things. First, the grievance is written, dated, and signed. Most colleges have adopted standard grievance forms for formalizing the grievance process. An administrator at a higher level, typically the head of the department, a personnel officer, a vice-president or other administrator, reviews the grievance, talks with the parties and renders a decision. If the decision at this level is appealed, the college president or his designee, the board of trustees, or both will review the decision, interview the parties and render the decision. It should be noted that some colleges utilize the services of a peer committee to resolve grievances.

The grievance procedure helps bring to an end, once and for all time, a real or imagined conflict, rather than allowing it to continue and build up adversarial feelings between the supervisor and an employee. It is a workable procedure that reaches a conclusion.

ADMINISTRATIVE PROCEDURES

Each community college in the State is required to operate within the limits of the Administrative Procedures Act. This law, Chapter 120, Florida Statutes, requires "rules" or "policies" of public bodies to be adopted through the use of procedures established by the board of trustees. The board of trustees must adopt as a rule the description of the organization, adopt rules of practice setting forth all formal and informal procedures, adopt rules of procedure appropriate for the presentation of arguments concerning issues of law or policy, and follow other requirements for records and reporting. If decisions of public bodies, including boards of trustees of community colleges, affect the "substantial interest" of an individual such decisions may be reviewed by a hearing officer and possibly reversed.

Adoption of rules and the issuance of "orders" by boards of trustees require the adoption of rules of procedure, scheduling of meetings, hearings, and workshops; notice of meeting time and places; and making certain that copies of the agenda are available to all interested parties. If a protest about a rule or order is received, adequate time and appeal procedures are established by the Administrative Procedures Act. Model rules have been adopted by the State Board of Education for use under the Administrative Procedures Act which may be re-adopted for use by local boards of trustees, or, in the alternative, each board of trustees may use rules prepared locally. The main responsibility, however, is that the board should be certain that a rule or an order adopted by the board is not an invalid exercise of "delegated legislative authority."

AWARDS AND RECOGNITION

Trustees play a vital role in encouraging, recognizing, and rewarding college faculty and staff. Research in leadership and management has shown that allowing individuals to mature on the job, to be creative and self-directed, and to be given a sense of ownership in the institution actually increases their job satisfaction as well as productivity. Motivating factors include feelings of achievement, professional growth, and recognition in a job that offers challenge and reward. Trustees are in a position to provide for the professional growth of the staff of their community college and to offer praise and even salary reward to individuals for jobs well done.

Trustees can develop an on-going, broad-based program that recognizes and rewards excellence. There are numerous ways of showing employees that they are valuable to the institution. One important way, that is often overlooked, is to be sensitive and responsive to issues of concern to employees of the institution. Showing respect for and listening to employee opinions, involving faculty in a viable Faculty Senate, and encouraging faculty presentations at trustee board meetings allow faculty and staff to feel that they are respected participants in the organization. Other ways colleges can recognize excellence include:

- presenting outstanding service awards, substantial cash awards, and plaques to valued employees annually

- writing personal notes to employees acknowledging their achievements and valuable contributions to the college
- recognizing valuable contributions of committees or a task force with luncheons
- allowing travel to conferences and workshops
- encouraging and inviting faculty to make presentations to the community on accomplishments in their area

Recognizing employees encourages them to make a maximum effort to coordinate their activities with the college mission. An important management principle to remember is "The thing that gets rewarded gets done."

APPENDIX

1. Duties and Responsibilities Pertaining to Personnel

2. References

Duties and Responsibilities of Boards of Trustees Pertaining to Personnel As Specified in Statute and Rule

The following is a list of the personnel-related duties and responsibilities assigned to community college boards of trustees by direct reference to the boards in statute and rule. The statements constitute paraphrasing, but many of the phrases therein are verbatim. The location in statute or rule is shown at the end of each statement.

Presidential Duties

1. Shall notify the State Board of Community Colleges of the appointment of a president. 240.311(7), F.S.

2. Shall appoint, suspend, or remove the president. 240.319(3)(a), F.S.

3. Shall conduct periodic evaluations of the president. 240.319(3)(a), F.S.

4. Shall submit evaluations of the president to the State Board of Community Colleges for review. 240.319(3)(a), F.S.

5. Shall adopt rules governing the employment and dismissal of the president. May contract with the president fixing duration and conditions of employment and fixing compensation. 240.319(3)(1)2., F.S.

6. Shall notify the State Board of Community Colleges of the appointment, suspension, or dismissal of presidents. 6A-14.26, FAC.

7. Shall select presidents who are qualified and competent. Require an earned doctorate, or notify the State Board of Community Colleges of what is deemed the equivalent. 6A-14.26(1), FAC.

8. Shall seek and interview people with the highest qualifications for educational leadership for the presidency. Consider particularly education, experience in community colleges and related fields, understanding of community college programs, and demonstrated leadership ability. 6A-14.26(1), FAC.

9. Shall provide the president with a contract. 6A-14.26(2), FAC.

10. Shall inform the president of duties and responsibilities and of the procedure and criteria for evaluation. 6A-14.26(3), FAC.

11. Shall evaluate the president annually and submit the written evaluation and findings to the State Board of Community Colleges. 6A-14.26(3), FAC.

12. May suspend or dismiss the president. 6A-14.26(4), FAC.

13. May appoint an acting president. 6A-14.26(5), FAC.

Employee Responsibilities

1. May adopt rules of penalties for violations of rules by students and employees. 240.319(3)(h), F.S.

2. May adopt rules to deny admission, enrollment, or employment based on a person's past actions at another college. 240.319(3)(i), F.S.

3. Shall provide for appointment, employment, and removal of personnel. Determine compensation and conditions of employment. 240.319(3)(1)1., F.S.

4. May establish meritorious service and cost savings suggestions programs with cash awards. 240.319(3)(m), F.S.

5. May employ personnel to provide law enforcement. 240.319(3)(o), F.S.

6. May establish a personnel exchange program. 240.319(3)(q), F.S.

7. Shall adopt employment rules. 240.335(1)(a), F.S.

8. Shall employ personnel only upon recommendation of the president, subject to rejection for cause. 240.335(1)(a), F.S.

9. Shall provide for employee appointment, evaluation, compensation, promotion, suspension, and dismissal. 6A-14.247(6), FAC.

10. Shall act on personnel recommendations of the president. 6A-14.247(6), FAC.

11. Shall establish the normal work day and work week for each position. 6A-14.40, FAC.

12. Shall adopt rules for traffic control and parking, which may include enforcement personnel and penalties. 240.319(3)(k), F.S.

Hiring

1. May hire an internal auditor to report directly to the board. 240.335(1)(b), F.S.

2. Shall designate employee positions and minimum qualifications. 6A-14.247(6), FAC.

Affirmative Action

1. Shall eradicate any discrimination. 240.335(2), F.S.

2. Shall provide equal opportunity for employment and for the use of college services. 6A-14.247(9), FAC.

Benefits

1. Shall adopt sick leave rules. 240.343, F.S.
2. May purchase personnel retirement annuities. 240.344, F.S.
3. Shall adopt rules for the bonding of members and for employees responsible for money or property. 6A-14.247(4), FAC.
4. Shall adopt rules to provide for absence from duty. 6A-14.42, FAC.
5. May grant professional leave with pay. 6A-14.43, FAC.
6. May grant vacation leave for twelve-month personnel. 6A-14.431(1), FAC.
7. May pay employees for unused vacation leave upon termination of employment. 6A-14.431(3), FAC.
8. May carry insurance for illness contracted due to performance of duty. 6A-14.436, FAC.
9. Shall adopt rules governing travel. 6A-14.732, FAC.
10. Shall authorize and bond persons to make depository withdrawals. 6A-14.752, FAC.

Salary

1. Shall adopt a salary schedule (s). 6A-14.247(6)(a), FAC.
2. Shall adopt rules for the payment of substitute personnel. 6A-14.441, FAC.
3. May authorize salary deductions when approved by the employee. 6A-14.712(6), FAC.

Contracts

1. Shall provide contracts for administrative and instructional employees, may provide contracts for other employees, and may authorize facsimile signatures on such contracts. 6A-14.247(6)(b), FAC.
2. May suspend, dismiss, or return employees to annual contract. 6A-14.247(6)(c), FAC.
3. Shall prescribe contract forms for contract personnel other than full-time instructional and administrative personnel. 6A-14.41(1), FAC.
4. Shall provide continuing contracts to full-time instructional personnel who meet the requirements in Rule 6A-14.411(1), FAC.

5. May provide annual contracts to persons otherwise entitled to continuing contracts when the circumstances in Rule 6A-14.412, FAC, apply. 6A-14.412, FAC.

Dismissal

1. May dismiss continuing contract personnel or return them to annual contract by a majority vote of the full membership of the board. 6A-14.411(4), FAC.

2. May suspend or dismiss administrative and instructional personnel at any time during the college year by a majority vote of the full membership of the board. 6A-14.411(6), FAC.

Professional Development

1. May adopt rules to assign personnel outside the district for temporary duty. 6A-14.44, FAC.

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